

CA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

equal rights 101

Lesson Plan

Objectives:

- * To educate youth about the history of the Fair Employment and Housing Act (FEHA) and their rights and responsibilities under the California civil rights laws that prohibit discrimination and harassment in the workplace.
- * To help students gain a better understanding of the dynamics of workplace discrimination and harassment.
- * To enable youth to recognize that employment discrimination and harassment affect everyone in the workplace.

Materials:

- * Writing paper
- * Colored markers of equal number by color (red, black, yellow, blue, and green)
- * Basket
- * Flip chart and/or large sheets of paper

* Equal Rights 101 DVD (can be ordered from DFEH or viewed on DFEH Web site)

Background

The California Department of Fair Employment and Housing (DFEH) is the largest state civil rights agency in the nation and is charged with protecting Californians from employment, housing, and public accommodation discrimination and hate violence. The Department enforces the Fair Employment and Housing Act (FEHA), the Unruh Civil Rights Act, and the Ralph Civil Rights Act. The FEHA prohibits discrimination and harassment in employment on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, disability (mental and physical, including HIV and AIDS), medical condition (cancer/genetic characteristics), age (40 and above), pregnancy, denial of medical and family care leave, and denial of pregnancy disability leave.

DFEH initiated an “Equal Rights 101” campaign targeting teenagers entering the workforce. “Equal Rights 101” is designed to educate youth about their rights and responsibilities related to workplace discrimination and harassment. As they enter the workforce, regardless whether entry is through a first summer job or a first career position, young people may not be aware that some practices they encounter are unlawful. They may be victims of discrimination or harassment or may, themselves, be unaware that certain behaviors in which they engage in the workplace are unlawful.

Students’ understanding of discrimination and harassment will vary by grade level. It is important to be sure that students not only are able to recognize discrimination and harassment, but can appreciate the reasons such conduct is wrong and harmful.

Instructors may want to preface this lesson with a discussion that emphasizes the various forms discrimination can take and the ways discrimination violates our democratic values. Discrimination robs its victims of their rights to equality, justice and, ultimately, freedom.

Most students have experienced or witnessed some form of discrimination or harassment. Encouraging them to discuss their personal experiences may help their classmates understand what it means to be a victim of discrimination or harassment and, perhaps more importantly, the feelings that such an experience evokes.

Procedures

1. Provide students an introduction to the topic of the day and a brief background of DFEH and the FEHA protections. (5 minutes)

2. Introduce a few related vocabulary terms and ask students to describe what the terms mean to them. Instructor will provide definition of terms.
(Attachment 1) (5 minutes)

Vocabulary terms:

- * diversity
- * equality
- * discrimination
- * stereotype

3. Introduce **Exercise #1** (15-20 minutes): This exercise will allow students to immediately experience discrimination in a tangible way:
 - * Have each student select a colored marker from a basket.
 - * Assign students to a particular group based on the color of the marker they randomly selected.
 - * Instructor informs students that their letter grade for this particular lesson is based on the color they selected.
 - * Red=A
 - * Black=B
 - * Yellow=C
 - * Blue=D
 - * Green=F
 - * Instruct each group to discuss how this practice of assigning grades made group members feel. Ask a note taker/spokesperson from each group to write down a few words describing the group's feelings and report to the class.
4. Introduce **Exercise #2** (15-20 minutes): This exercise will assist students in identifying situations that arise in the workplace that might be considered unlawful under the California Fair Employment and Housing Act:

- * Each group is given a workplace hypothetical that deals with discrimination (Attachment 2) to consider and discuss.
- * After group discussion, on the assigned flip chart, a note taker from each group records the group's answers to the following questions:
 - * Do you think what happened to the employee was fair? Why or why not?
 - * How would you have handled the situation if it happened to you?

Ask note takers to post the answers around the classroom.

5. Show Equal Rights 101 videos (10 minutes)

Topics included in videos are:

- * Employment Inquiries
- * Sexual Harassment
- * Religious Accommodation
- * Disability Accommodation
- * Pregnancy Leave
- * California Family Rights Act

6. After students see Equal Rights 101 videos, ask whether any answers to the questions posed in Exercise 2 should be changed and, if so, how. Summarize the lesson and invite questions. Distribute "Fact Sheet" (Attachment 3) that provides educational information regarding the FEHA. (5 minutes)

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"DREW ROCKS"

Vocabulary Terms:

DIVERSITY (noun): the quality of being different or varied.

FAIR (adjective): unbiased, just.

EQUALITY (noun): the quality or state of being equal.

HATE VIOLENCE (noun): strong dislike and use of force that harms or threatens to harm a person because of his or her membership in a particular group.

RACE (noun): a group of people sharing common physical traits.

OPPORTUNITY (noun): a chance to better oneself.

CIVIL RIGHTS (noun/plural): the nonpolitical rights of a citizen.

KNOWLEDGE (noun): the condition of knowing something or having information.

STEREOTYPE (noun): an often untrue or exaggerated idea or assumption that many people have about a particular group.

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Hypothetical Situations

1. EMPLOYMENT INQUIRIES

You saw a Craigslist ad stating that Eat-a-Lot Restaurant has a job opening for a hostess. You stop by to pick up an application in person. While you are there, the manager decides to interview you. He takes you back into his office and asks you to take a seat. As he is reviewing your application, he asks, "Why are you interested in a hostess position? Hostess positions are generally held by girls. Are you gay or something?" He quickly states, "Never mind, don't tell me." The manager continues to look at your job application that indicates you have held a hostess position at another restaurant for over a year. He asks, "Why do you want to leave that job?" You tell him you're saving for a car and looking for a better-paying job. He further asks you, "What's up with your last name? I mean, what ethnicity are you?" You describe your ethnic background. The manager tells you he is sorry. He says, "It's not a good fit" and thanks you for applying.

2. SEXUAL HARASSMENT

You have been employed for The Work Company for one year as a receptionist. During this time, you have gained the experience necessary to perform as an Administrative Assistant, a higher paying position. An Administrative Assistant position becomes available and you apply. Subsequently, your boss asks you to come into his office and informs you are promoted. You are elated and thank him for this opportunity. He then tells you, "Remember, you owe me one." He winks at you, then hugs you, and whispers in your ear, "You know what I mean." You quickly push him away and respond, "You know I have a boyfriend and I'm not interested in you." You again thank him for the promotion and leave his office. The following day, the boss calls you back into his office and tells you that he reconsidered his selection and will promote your co-worker instead.

3. RELIGIOUS ACCOMMODATION

You are working for Java-Jive Coffeehouse. This company has many employees and numerous locations in town. During your employment, you and your parents begin to attend church and agree to adhere to your newly found religious beliefs and practices, which include not working on Saturdays. Eventually, you inform your supervisor you can no longer work on Saturdays due to your religious beliefs. Your supervisor responds, "If you can't work like everyone else does, then you should look for work elsewhere. All employees rotate on the schedule; there are no exceptions to our company policy. You will not receive preferential treatment here."

4. DISABILITY

You have been performing data entry and customer service duties for Static Wire Telephone Company for over six months. You have been experiencing shooting pains in your wrist and arms. You finally go see your doctor, who tells you that you have carpal tunnel syndrome. The doctor recommends using ergonomic equipment, including a gel support wrist pad, roller ball mouse, etc., and taking more frequent breaks from keying. You give your supervisor the doctor's note. She responds, "All this equipment will cost too much money and if you want to take extra breaks, they will be deducted from your paycheck."

5. PREGNANCY

Your baby is due in less than 3 months; however your doctor wants you to stop working earlier than you had anticipated. You had planned to work up to 2 weeks before your due date. You inform your manager and give her the doctor's note indicating you need to start your leave next week and must be off a total of 4 months. Your manager tells you to cut short your leave or she can't guarantee you'll have a job when you return from leave. She also says a baby needs her mother and you should consider staying at home instead of returning to work.

6. CALIFORNIA FAMILY RIGHTS ACT

Since you've graduated from high school, you've been working full time at Big Box Store, a very large company in a metropolitan area. You've just passed your one-year anniversary. To celebrate, you and your buddies went on a weekend skiing trip. Unfortunately, you injured your back while skiing and your doctor says you need to be off work at least 2 weeks and undergo physical therapy. You've already used up all your vacation and sick leave, so you ask your Human Resources Manager what you can do. She tells you your boss can discipline you for excessive absences and consider you a "voluntary resignation" if you don't show up for work for three consecutive days.

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The California Fair Employment and Housing Act

- * Prohibits discrimination in all aspects of employment including hiring, termination, promotion, salary and benefits.
- * Prohibits harassment of employees or applicants and requires employers to take all reasonable steps to prevent harassment from occurring.
- * Requires that all employers provide information to each of their employees describing forms of sexual harassment, its illegality, internal and external complaint processes and legal remedies.
- * Requires employers to reasonably accommodate employees or job applicants with disabilities to enable them to perform the essential functions of a job.
- * Requires employers to provide a leave of up to four months to employees disabled by pregnancy or childbirth.

- * Requires that all employers provide a reasonable accommodation to an employee disabled by pregnancy, childbirth, or a related medical condition who follows the advice of her health care provider and requests an accommodation.
- * Requires employers of 50 or more persons to allow employees who meet certain criteria to take up to 12 weeks leave in a 12-month period for the birth of a child; the placement of a child through adoption or foster care; an employee's own serious health condition; or to care for a parent, spouse, or child with a serious health condition. Also requires employers to post a notice informing employees of their family and medical leave rights.
- * Requires employment agencies to serve all applicants equally, refuse discriminatory job orders, and refrain from prohibited pre-employment inquiries or advertising.
- * Prohibits discrimination by unions in membership or employment referrals.
- * Prohibits retaliation against any person who has filed a complaint with the Department of Fair Employment and Housing, participated in a discrimination investigation, or opposed any activity prohibited by the Fair Employment and Housing Act.
- * A complaint of discrimination must be filed within one (1) year of the date a discriminatory act occurs. Those age 18 and younger who experience discrimination must file a complaint no later than one (1) year after turning 18—regardless of the date the discriminatory act occurred.